

REMARKS

I. INTRODUCTION

Claims 1-6, 8, 12, 14 and 16 have been amended. Claims 7, 13, 15, and 17-19 were previously withdrawn from consideration. Claim 20 has been added. Thus, claims 1-6, 8-12, 14, and 16 remain pending in the present application. No new matter has been added. In light of the above amendments and the following remarks, Applicants respectfully submit that all presently pending claims are in condition for allowance.

II. THE 35 U.S.C. § 112 REJECTION SHOULD BE WITHDRAWN

Claims 1-6, 8-12, 14 and 16 stand rejected under 35 U.S.C. §112, second paragraph, for being indefinite. In view of the amendments to these claims, it is respectfully submitted that this rejection should be withdrawn. Specifically, claim 1 has been amended to recite “*wherein the motion of the catch and the window pane is controlled solely by the upwardly pulling end and the downwardly pulling end of the pulling device.*” It is respectfully submitted that the amendment to claim 1 clearly describes that the motion of the catch and the window pane can only be controlled by the upwardly pulling end and the downwardly pulling end of the pulling device. Furthermore, the Examiner indicates that “Examiner assumes that this limitation does not exclude the possibility of other elements which guide the window pane and therefore affect the path of motion and/or orientation of the catch.” (See 3/17/10 Office Action, p. 2). It is further respectfully submitted that claim 1 has also been amended to clarify this limitation, reciting “the second fastening point being horizontally off-set from the first fastening point in the window pane plane for transferring torque to the window pane *suitable for pressing the window pane against a guide edge independently of a direction of movement of the window pane when the window pane is fitted.*” In light of this amendment to claim 1, it is respectfully submitted that the movement of the catch and window pane are independent of the guiding provided by the guide edge. In light of the aforementioned amendments to claim 1, it is respectfully requested that the 35 U.S.C. §112, second paragraph rejection of claims 1-6, 8-12, 14 and 16 be withdrawn.

III. THE 35 U.S.C. § 102(b) REJECTION SHOULD BE WITHDRAWN

Claims 1-5, 8, 12, 14, and 16 stand rejected under 35 U.S.C. §102(b) as anticipated by Gobush et al. (U.S. Patent No. 4,001,971).

Amended claim 1 recites, “[a] window lift system, comprising: a pulling device; *only a single catch for a window pane, the catch being moved up and down by the pulling device*, the catch having (i) a first fastening point for an upwardly pulling end of the pulling device and (ii) a second fastening point for a downwardly pulling end of the pulling device, the second fastening point being horizontally off-set from the first fastening point in the window pane plane for transferring torque to the window pane suitable for pressing the window pane against a guide edge independently of a direction of movement of the window pane when the window pane is fitted, wherein the motion of the catch and the window pane is controlled solely by the upwardly pulling end and the downwardly pulling end of the pulling device.”

It is respectfully submitted that Gobush fails to teach or suggest a window lift system comprising “*only a single catch for a window pane, the catch being moved up and down by the pulling device*,” as recited in amended claim 1. Specifically, claim 1 has been amended in accordance with the Examiner’s proposal in the Final Office Action. (See Final Office Action, p. 5). In contrast, Gobush discloses a unit window regulator assembly that comprises two elongated elevator channels 45 that receive a window 43 therebetween. (See Gobush, col. 2, ll. 11-14; Figs. 1, 4-6). Each elevator channel 45 has a flange 49 with an aperture 51 “to receive and to be slidably and guidably mounted upon the corresponding window guide rod 37 for controlled translation upward and downward movements.” (*Id.* at ll. 15-19; Fig. 1). In contrast, the limitations of claim 1 are limited to a window pane being held by “only a single catch” configured to exert a torque on the window pane. It is therefore respectfully submitted that Gobush fails to teach a device having “only a single catch,” as recited in claim 1 and that claim 1 is allowable for at least this reason.

Furthermore, it is respectfully submitted that the device of Gobush is also incapable of being modified to overcome the limitation of “*only a single catch for a window pane, the catch being moved up and down by the pulling device,*” as recited in amended claim 1. Specifically, the device of the present invention is configured with only a single catch for “transferring torque to the window pane suitable for pressing the window pane against a guide edge independently of a direction of movement of the window pane when the window pane is fitted,” as also recited in claim 1. The application of such a torque guides the window pane while also avoiding jamming. (See Specification, ¶¶ [003]-[005], [012]). The elevator channels 45 of Gobush, due to their structure and quantity, are inherently incapable of applying such a torque to the window 43 since a first one of the elevator channels compensates for any torque created by a second one of the elevator channels, as those skilled in the art will understand. It is therefore respectfully submitted that the elevator channels 45 of Gobush are incapable of applying any net torque to the window 43 and furthermore, that this deficiency in Gobush leaves the device incapable of meeting the limitation of “transferring torque to the window pane suitable for pressing the window pane against a guide edge independently of a direction of movement of the window pane when the window pane is fitted,” as recited in claim 1. It is therefore evident that the device of Gobush can only apply a net torque to the window 43 if one of the elevator channels 45 was removed. However, it is respectfully submitted that such a modification would be detrimental to the intent of Gobush as it would prevent a controlled movement of the window 43. It is therefore respectfully submitted that claim 1 is allowable for at least this additional reason.

Still further, it is respectfully submitted that the device of Gobush is also incapable of meeting the limitation of “wherein the motion of the catch and the window pane is controlled solely by the upwardly pulling end and the downwardly pulling end of the pulling device,” as recited in claim 1. Rather, Gobush teaches that motion of the elevator channels is controlled by the cables 67, 77 and the guide rods 37. Specifically, Gobush recites “[b]y this construction [including the first and second cables 67, 77], manual or power rotation of the capstan 59 or drum or pulley in one direction such as clockwise, causes the window 43 to be elevated and at the same time, translated

longitudinally as determined by the shape and arrangement of the respective parallel guide rods 37. (*See* Gobush, col. 2, ll. 15-19, 63-67; Figs. 1, 4). It is therefore evident that movement of the window 43 is dictated by the two cable 67,77 in combination with the two guide rods 37. (*Id.*) The limitations of claim 1, on the other hand, are directed to a movement of the window pane being “controlled *solely* by the upwardly pulling end and the downwardly pulling end of the pulling device,” use of the term “solely” excluding the use of additional elements in controlling the movement of the window. It is respectfully submitted that claim 1 is allowable over Gobush for at least this additional reason.

It is therefore respectfully submitted that Gobush fails to teach or suggest “[a] window lift system, comprising: a pulling device; *only a single catch for a window pane, the catch being moved up and down by the pulling device, the catch having (i) a first fastening point for an upwardly pulling end of the pulling device and (ii) a second fastening point for a downwardly pulling end of the pulling device, the second fastening point being horizontally off-set from the first fastening point in the window pane plane for transferring torque to the window pane suitable for pressing the window pane against a guide edge independently of a direction of movement of the window pane when the window pane is fitted, wherein the motion of the catch and the window pane is controlled solely by the upwardly pulling end and the downwardly pulling end of the pulling device,*” as recited in amended claim 1 and that claim 1 is therefore in condition for allowance. Because claims 2-6, 8-12, 14 and 16 depend from and therefore include all of the limitations of independent claim 1, it is respectfully submitted that these claims are also allowable.

Newly added claim 20 recites, “[a] window lift system, comprising: a pulling device; *only a single catch for a window pane, the catch being moved up and down by the pulling device, the catch having (i) a first fastening point for an upwardly pulling end of the pulling device and (ii) a second fastening point for a downwardly pulling end of the pulling device, the second fastening point being horizontally off-set from the first fastening point in the window pane plane for transferring torque to the window pane*

suitable for pressing the window pane against a guide edge independently of a direction of movement of the window pane when the window pane is fitted, wherein, when the window pane is not fitted, the motion of the catch is limited solely by the upwardly pulling end and the downwardly pulling end of the pulling device in a largest part of a range of motion of the catch; and a positioning arrangement positioning and fixing the catch in respect of at least three degrees of freedom such that the catch is kept in a position defined in respect of said degrees of freedom even when the window pane is not fitted.” Applicants respectfully submit that newly added claim 20 is allowable for at least the same reasons as claim 1.

IV. THE 35 U.S.C. § 103(a) REJECTIONS SHOULD BE WITHDRAWN

Claim 6 stands rejected under 35 U.S.C. §103(a) as obvious over Gobush in view of Thomas (U.S. Patent No. 5,992,099).

As noted above, Gobush fails to teach or suggest the limitations of independent claim 1. Thomas fails to cure these deficiencies in Gobush. It is therefore respectfully submitted that claim 1 is allowable over Gobush and Thomas, taken alone or in combination. Because claim 6 depends from and therefore includes all of the limitations of independent claim 1, it is respectfully submitted that this claim is also allowable.

Claims 9-11 stand rejected under 35 U.S.C. §103(a) as obvious over Gobush in view of Evulich (U.S. Patent No. 2,015,622).

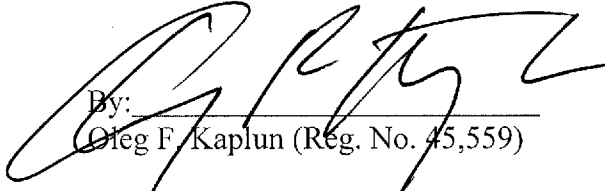
As noted above, Gobush fails to teach or suggest the limitations of independent claim 1. Evulich fails to cure these deficiencies in Gobush. It is therefore respectfully submitted that claim 1 is allowable over Gobush and Evulich, taken alone or in combination. Because claims 9-11 depend from and therefore include all of the limitations of independent claim 1, it is respectfully submitted that these claims are also allowable.

CONCLUSION

It is therefore respectfully submitted that all of the presently pending claims are allowable. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

Dated: June 16, 2010


By: _____
Greg F. Kaplun (Reg. No. 45,559)

Fay Kaplun & Marcin, LLP
150 Broadway, Suite 702
New York, New York 10038
Tel: (212) 619-6000
Fax: (212) 619-0276